Pakistan's Endgame in Kashmir

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> Kashmir runs in our blood. No Pakistani can afford to sever links with Kashmir. The entire Pakistan and the world know this. We will continue to extend our moral, political and diplomatic support to Kashmiris. We will never budge an inch from our principled stand on Kashmir.
> (General Pervez Musharraf, address to the Nation, January 12, 2002)

> We wish to state once again that Jammu and Kashmir is an integral part of India. It will remain so… For us, Kashmir is not a piece of land; it is a test case of Sarva Dharma Samabhava—secularism. India has always stood the test of a secular nation. Jammu and Kashmir is a living example of this.
> (Prime Minister Atal Bihari Vajpayee, Independence Day address, August 15, 2002)

India and Pakistan are home to over a billion people, accounting for one-fifth of the world's population. They share a legacy of mutual mistrust, dating back to the subcontinent's partition in 1947, which resulted in the creation of Muslim-majority Pakistan and Hindu-majority India.

> For Pakistan, the very act of partition was the recognition of the existence of two nations in India, Hindus and Muslims. Two nations, who were so fundamentally different from each other in all respects that they could not exist in a single territorial unit. Therefore, the partition of India recognized this incompatibility by dividing along communal lines.[1]

India, on the other hand, opted for state-building on the basis of secular nationalism and pluralism.[2] These contradictory ideas about statehood divided the elite in pre-partition India and their arguments have influenced the conduct of both states. Like partners in a bitter divorce, India and Pakistan accuse each other of undermining their existence and interests. And like many divorcees they have a custody battle to resolve: the question of who will control Kashmir, the beautiful region in the Himalayas that abuts both India and Pakistan.

The majority of Kashmir's population is Muslim but its Hindu ruler at the time of independence announced its accession to India. Pakistan contests that accession, has been willing to use force to undo it, and demands the implementation of United Nations

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resolutions calling for a plebiscite to determine the wishes of Kashmiri people. Pakistan assumes that a plebiscite will result in a vote in its favor, based on the logic of partition that led to all contiguous Muslim-majority provinces and princely states under British rule or paramountcy in India to form Pakistan in 1947.[3] India insists that Kashmir's accession is not only a settled matter, unaffected by "out-dated and redundant" UN resolutions, it is also crucial for a secular India to include a Muslim-majority state.[4] For Pakistan, giving up Kashmir means denying the ideological basis of partition. Affirming that ideological basis remains important for Pakistan's leaders more than five decades after partition because, in the absence of democracy, ideology is their major defense against ethnic or language-based subnationalism. For India, conceding Kashmir amounts to reaffirming religious-based nationalism, which Indian leaders opposed even when they recognized Pakistan's independence.

Pakistan was born in an environment of insecurity and its political leadership was inadequately prepared to run an independent state. As former Pakistani Foreign Minister Abdul Sattar explains:

> The partition plan of 3 June 1947 gave only seventy-two days for transition to independence. Within this brief period, three provinces had to be divided, referendums organized, civil and armed services bifurcated, and assets apportioned. The telescoped timetable created seemingly impossible problems for Pakistan, which, unlike India, inherited neither a capital and government nor the financial resources to establish and equip the administrative, economic and military institutions of the new state. Even more daunting problems arose in the wake of the partition. Communal rioting led to the killing of hundreds of thousands of innocent people. A tidal wave of millions of refugees entered Pakistan, confronting the new state with an awesome burden of rehabilitation.[5]

Communal riots and mass migration of populations had affected both newly independent countries. But the process of state formation in Pakistan was affected far more by these developments than in India, which was not starting from scratch like the new state. Migrant politicians and civil servants, embittered by the carnage of fellow Muslims they witnessed on their way to their new country, dominated the Pakistani administration. In the passion of the moment, it was difficult for them to acknowledge that similar suffering had befallen Hindus and Sikhs driven out of Pakistan. They blamed India, referred to in official Pakistani communications of the time as "Hindustan," for their suffering.[6] Hatred for India, therefore, became a dominant sentiment, as did the feeling that the British and the new Indian government had tried to undermine Pakistan's creation. This sentiment was also strong in the military, which was one institution that Pakistan inherited with sufficient infrastructure.[7]

India's decision to delay transferring Pakistan's share of assets increased the bitterness of partition. Mohandas Gandhi recognized the dynamic that was driving India-Pakistan relations when he went on a fast in January 1948 and demanded that Pakistan's share of the assets be paid.[8]

Given the circumstances and nature of partition, Pakistan's policies in several areas were ad hoc and driven by immediate concerns or sentiments. Although Pakistani leaders

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often describe the dispute over Kashmir as the "core issue" between the two countries,[9] Pakistan's approach to its resolution has been characterized by a series of tactical moves, lacking a coherent strategy or a planned endgame.

Conflict with India, and suspicions about its intentions, have become a critical factor in defining Pakistani nationhood. Pakistani leaders, therefore, punctuate their emphasis on the resolution of the Kashmir issue with fears of Indian (or Hindu) domination. This argument, that India wants a "subservient Pakistan," means that Kashmir is a symptom rather than the fundamental cause of Pakistan's troubled relationship with India. Pakistani author, Dr. M.M.R.Khan, made this argument within the first few years after partition:

> For Pakistan Kashmir has come to embody distrust and fear of India, an aftermath of partition. Pakistani statesmen say that India did not accept the partition of India in good faith and that, by taking piecemeal, she could undo the division. India's acceptance of Kashmir's accession is regarded as complete evidence of this fact. Instances are not lacking in which Indian leaders, including those belonging to the Congress party, have made no secret of their desire to undo the partition. In the course of an interview with an American newspaper in 1951 Mrs. Vijay Lakshmi Pandit, the then Indian Ambassador to the United States, predicted that India and Pakistan would become one nation. 'We agreed to partition,' she said, 'because failure to do so would have perpetuated foreign rule.'

Pakistan's fear is that India will continue to keep a strong grip over Kashmir and will not agree to any just solution.[10]

Pakistan's First Move on Kashmir

The conflict over Kashmir began soon after independence, and Pakistan's decision to allow (or as some would argue, plan) a tribal invasion of the state of Jammu and Kashmir was the first ad hoc decision that carried over the pre-partition divide into the post-independence phase.

Kashmir was one of 562 princely states to retain varying degrees of administrative independence through treaties with Britain concluded during the process of colonial penetration. The treaty relationships conferred 'paramountcy' on the British and, in most cases, control over defense, external affairs, and communications. The end of the Raj also marked the end of paramountcy. The British asked the rulers of these states to choose between India and Pakistan, taking into consideration geographical contiguity and the wishes of their subjects.[11]

Although Kashmir is the only outstanding dispute resulting from the accession exercise, there were other arguments involving the princely states at the time. Pakistanis and Indians, as well as scholars from other countries, have written much on the subject of Kashmir's accession and whether or not it was legally or morally justified. But in 1947 both new states were willing to invoke conflicting arguments to secure the accession of different princely states to their dominion. Pakistan accepted the accession of Muslim-ruled Junagadh in western India. But it sought the accession of Hyderabad in southern

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India, despite the majority Hindu populations and the lack of contiguity with Pakistan. India, on the other hand, held that "a principality's people, whether Hindus or Muslims, were the final arbiters" and "On this basis, India supported popular movements for joining India in Junagadh, whose ruler had acceded to Pakistan, and in Hyderabad, where the ruler desired independence."[12] By the time Kashmir became a point of dispute, neither side could claim consistency in its approach to settling the future of the princely states.

Kashmir's contiguity with Pakistan and its Muslim majority created the expectation of its inclusion in the new Muslim country. But the state's ruler at the time of partition, Maharajah Hari Singh, sought to retain independence even though a segment of his Muslim subjects wanted Kashmir to become part of Pakistan.[13] It has been argued that Indian Prime Minister, Jawaharlal Nehru, had thought through a grand strategy for the princely states, including a design to ensure the inclusion of Jammu and Kashmir in the independent Indian state.[14] Most Pakistani leaders and scholars, as well as some Western authors, have also implicated the last British Viceroy, Lord Mountbatten, and members of his staff in the "conspiracy" to draw the boundary so that Kashmir would abut both India and Pakistan. Under the partition plan, the province of Punjab was to be divided between India and Pakistan on grounds of contiguity and majority religious affiliation. Two Muslim majority *tehsils* (subdivisions) in Gurdaspur district were awarded to India by the boundary commission led by British judge Sir Cyril Radcliffe. This provided overland access to Kashmir from India.[15] Had the map of the Punjab been drawn differently Kashmir could have ended up with road access only to Pakistan and a natural mountainous frontier with India. This would have precluded any effective Indian claim on the princely state.

The chaotic state of government in the newly born state of Pakistan left little room for planning grand strategy. Pakistanis felt cheated over the Boundary Commission award. There was concern about the future of Kashmir as well, which was addressed by supporting the pro-Pakistan All Jammu and Kashmir Muslim Conference that led an agitation against the Maharajah.[16] Pashtun tribesmen entered Kashmir, with support from Pakistani military officers. The fact that a British general headed the new Pakistani army limited the scope for a declaration of war against the ill-equipped forces of a British-allied Maharajah.

Pakistan's first move in Kashmir was an unconventional war, started on the assumption that the Kashmiri people would support the invading tribal *lashkar* and that the Maharajah's forces would be easily subdued. Little, if any, thought had been given to the prospect of failure or to what might happen if the Indian army got involved in forestalling a Pakistani *fait accompli* against the Kashmiri Maharajah.

Maharajah Hari Singh sought Indian military help and signed the instrument of accession with India to secure military assistance.[17] Prime Minister Nehru sent in Indian troops to fend off the Azad (Free) Kashmir forces. Pakistan disputes Hari Singh's accession, arguing that it was not the result of a voluntary decision and that he was competent to accede to India having earlier signed a standstill agreement with Pakistan.[18]

The Indian army secured the capital, Srinagar, and established control over the Kashmir valley and most parts of Jammu and Ladakh before a UN-sponsored ceasefire. The critical consequence of the 1947–48 war and the subsequent ceasefire was to confer upon India the role of a status quo power, holding most of the population and significant territory of Jammu and Kashmir state, including its capital, Srinagar.

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Second Move: Legal Arguments

Pakistan's nation-building enterprise faced serious difficulties, compounded by the perception that India wanted to undo partition at the first available opportunity. Signs of resentment in Pakistan's eastern wing had started surfacing, primarily due to the domination exerted by west Pakistanis and Urdu-speaking Muslim migrants from India.[19] Pakistani leaders saw this as an Indian conspiracy to divide their country. National security, primarily against India, became a national preoccupation.[20] Indian leaders failed to induce a sufficient sense of security in their new neighbor, thereby aggravating a sense of permanent rivalry similar to that between the Arabs and the Israelis or the Greeks and the Turks. The Pakistani view is best summarized by Abdul Sattar's comment:

> Tension between Pakistan and India at their inception was ascribable partly to a difficult and divisive legacy, the clash of political aims and ideologies between the Muslim League and the Indian National Congress, differences of religions and cultures between the two nations and adversarial perceptions of history. But having agreed to the partition, the two independent states could have lived as good neighbors. The perpetuation and exacerbation of antagonism is owed to the dispute that arose after the two states became independent and, in particular, to the failure to resolve the disputes on the basis of international law and justice.[21]

The cold war environment presented Pakistan with an opportunity to seek advantage by using its strategic location. Within two years of independence, Pakistan's leadership had allied itself firmly with the United States in the hope of securing financial and military assistance that would help the new nation get on its feet. The support of Western allies, then dominant in the United Nations, also encouraged Pakistan to pursue its case over Kashmir through the international forum.[22]

Pakistan did not have a favorable on-ground situation in Kashmir after the 1948 war. But it secured international sympathy and support for its position. While it was India that originally went to the UN to get Pakistani tribal forces to vacate Kashmiri territory, Pakistan saw itself as the potential beneficiary of international involvement. The UN Security Council established its Commission for India and Pakistan (UNCIP) through its resolution of April 21, 1948, and called for a plebiscite to ascertain the wishes of the Kashmiri people. The Commission itself adopted a more elaborate and detailed resolution on August 13, 1948, outlining a plan for a ceasefire, a truce agreement, and the proposed plebiscite. The notion of a plebiscite was reiterated in another Commission resolution on January 5, 1949, after the Security Council nominated Chester W.Nimitz as Plebiscite Administrator on March 14, 1950.

While Pakistan appealed to international opinion, arguing that the Kashmiris had a right to self-determination, India was busy consolidating its control over parts of the state it had secured in the first Kashmir war. Like lawyers engaged in complex litigation, Indian diplomats managed to find reasons for not implementing the UN resolutions. Pakistan believed India was deliberately stalling, a position supported at the time by significant segments of international opinion.[23] India sought to bypass the UN by

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claiming Pakistan was not fulfilling its obligations. Nehru decided to legitimize Maharajah Hari Singh's controversial accession with the support of Kashmir's most important political leader at the time, Shaikh Abdullah, and his All Jammu and Kashmir National Conference. The UN Security Council resolution of March 30, 1951 expressly rejected the convening of a Constituent Assembly by the National Conference as a substitute for a plebiscite, but India went ahead with the process any way. Once the Jammu and Kashmir Constituent Assembly had ratified the accession, and the Indian constitution had been amended to make special provision for Jammu and Kashmir, India started asserting that Jammu and Kashmir was an integral part of the Indian Union.

Throughout the 1950s and until 1965, Pakistan focused on mobilizing international support for its demand for a plebiscite.[24] Although the need for implementation of UN resolutions became the main Pakistani argument during this period, the underlying sentiment that Pakistan was incomplete without Kashmir carried over. Pakistan's Foreign Minister, Zafarulla Khan, told the United Nations:

> Look at it then, from any point of view that you choose. India is under no necessity or compulsion to require or to need the accession of Kashmir to itself. India has merely entered upon a gamble. If it succeeds in that gamble, it can crush and break Pakistan and that is the object of that gamble. It does not require Kashmir from the point of view of any necessities. The possession of Kashmir can add nothing to the economy of India. On the other hand, it is vital for Pakistan. If Kashmir should accede to India, Pakistan might as well, from both the economic and the strategic points of view, become a feudatory of India or cease to exist as an independent sovereign State. That is the stake of the two sides; these are the considerations.[25]

Several reasons were listed by Pakistani scholars and diplomats to explain why Pakistan deemed Kashmir "vital" for its economy, the foremost being that it was the source of most rivers flowing into the (then) western wing of the country. Kashmir, it was argued, offered Pakistan access to mineral wealth and timber. Its "potentialities for large scale hydro-electric power plants, which are also indispensable for industrialization and for raising the living standards of its inhabitants and Pakistan" was also cited.[26] But the passage of time has diminished the significance of these "Kashmir-is-vital-for-Pakistan's-economic-survival" arguments. There has been no threat to the flow of river water into Pakistan despite Indian control of Kashmir, nor has the lack of access to the state's resources impeded Pakistan's economic growth. On the contrary, the case can now be made that the cost of pursuing the claim over Kashmir, especially through ever-increasing military expenditure, far exceeds any economic benefits Pakistan might get by extending its sovereignty over all of Kashmir.

Despite enhanced diplomatic and security capabilities resulting from its alliance with the United States, Pakistan was unable to pressure India into giving up its claim on Kashmir. The UN Security Council reminded both India and Pakistan, through a resolution on January 24, 1957, that "the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the

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United Nations." From 1964 onward the possibility for Pakistan to obtain favorable resolutions from the Security Council had diminished because India had developed sufficiently close ties with the Soviet Union to ensure that resolutions calling for a plebiscite or condemning India's violation of commitments to the United Nations were vetoed.

Trying to Break the Stalemate

Pakistan's hopes of forcing a plebiscite through the United Nations had ended in a stalemate. In the summer of 1961, Pakistan's first military ruler, Ayub Khan, sought help from President John F.Kennedy to intercede with Nehru. Kennedy discussed the issue with the Indian Prime Minister during his visit to Washington in November 1961. According to Sattar, "Nehru ruled out any solution other than one based on the ceasefire line."[27] India had obviously worked out its endgame in Kashmir. It was willing to settle on apportioning the former princely state on the basis of actual control of territory resulting from the 1948 war. As the status quo power in the Kashmir valley, this solution suited India but was unacceptable to Pakistan.

Pakistan tried to change the status quo by sending infiltrators across the ceasefire line in 1965. This operation ensued following unrest in the Kashmir valley, and it raised hopes among Pakistani decisionmakers that trained infiltrators could mobilize a mass uprising against Indian rule. Earlier that year Indian and Pakistani troops had clashed in the southern Kutch region. That crisis was defused through British mediation, leading to arbitration by international tribunal. But there was no sign of an Indian willingness to accept mediation or arbitration over Jammu and Kashmir. The infiltration of volunteers, known as "Operation Gibraltar," was followed by a Pakistani attack at the southern end of the ceasefire line. The Pakistani plan rested on two assumptions, neither of which was fulfilled. There was no mass uprising in Indian-controlled Kashmir and military action did not remain confined to the ceasefire line.

The September 1965 war was fought along the full length of Pakistan's border with India, in addition to the ceasefire line in Kashmir. The war failed to bring Pakistan any territorial gains in Kashmir and showed the flawed nature of Pakistani decisionmaking in relation to India. Altaf Gauhar, a close civilian advisor to Ayub Khan at the time, wrote several years later that the Pakistani military had initiated the conflicts of 1948 and 1965, as well as subsequent military confrontations, with India. According to Gauhar, "all these operations were conceived and launched on the basis of one assumption: that the Indians are too cowardly and ill-organized to offer any effective military response, which could pose a threat to Pakistan. Ayub Khan genuinely believed that 'as a general rule Hindu morale would not stand more than a couple of hard blows at the right time and place'."[28]

The 1965 military adventure was followed by a Peace Conference at Tashkent, the first time the Soviet Union took the initiative as intermediary in South Asian affairs. Pakistan had been disillusioned by the failure of its ally, the United States, to support it in the effort to gain territorial advantage in the dispute over Kashmir. Instead of gaining something for Pakistan, Ayub Khan had to settle for a joint declaration that provided for withdrawal of forces and committed India and Pakistan to further meetings "on matters of

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direct concern to both countries." Pakistanis saw the Tashkent declaration as a setback to their claims over Kashmir.[29]

In 1971, India and Pakistan clashed once again, this time over Pakistani military atrocities in the country's eastern half. The Bengali population of then East Pakistan successfully resisted West Pakistani military rule and, with India's help, seceded as the independent state of Bangladesh. Pakistan was diminished in size and its military had been routed, leaving some 90,000 Pakistani prisoners of war (POWs) in India's hands.[30] To outside observers, the creation of Bangladesh pointed out the weakness of Pakistani nationhood based only on the commonality of religion.[31] But Pakistan's leaders interpreted it as proof of their worst fears coming true. For them, India had succeeded in dividing Pakistan, making it all the more necessary to shore up the fissures in Pakistan with a strong military, an anti-Indian Islamic ideology, and international support.[32]

When the President of residual Pakistan, Zulfikar Ali Bhutto, met Indian Prime Minister Indira Gandhi in June 1972 for peace talks at Simla, it was hardly a meeting of equals. Bhutto had to secure the release of Pakistani POWs from an Indian leader who had humiliated and broken up his country. He pleaded with Gandhi not to insist on including a final resolution of Kashmir in any bilateral agreement, though from India's point of view this would have been the ideal opportunity to impose a solution and transform the ceasefire line in Kashmir into a final international border. But Gandhi was persuaded by Bhutto's argument that his fragile civilian government would probably be toppled by the Pakistani military, which would accuse him of losing Kashmir in addition to the loss of East Pakistan.[33]

The compromise reached by Bhutto and Gandhi was to declare that "the two countries are resolved to settle their differences by peaceful means through bilateral negotiations."[34] The ceasefire line was declared the Line of Control (LOC), interpreted by the Indian signatories to suggest that actual control was now synonymous with legal possession. For India, this meant that the phase of international pressure to hold a plebiscite was over and its strategy of settling the Kashmir dispute on the basis of actual control of territory resulting from the 1948 war had virtually prevailed. But Bhutto returned home to claim that he had saved Pakistan from the ultimate humiliation of completely giving up its claim on Kashmir. Once again, Pakistan had succeeded in maintaining grounds for conflict with India by leaving the Simla agreement open to interpretation. Ironically, after three more decades of conflict, the ambiguity of the Simla agreement is currently being criticized in both India and Pakistan.[35] But at the time Indian leaders thought they had attained closure over Kashmir by securing a Pakistani commitment not to try and alter the status quo by force. The Indian side could not envision how their control over Kashmir could be altered without the use of force or the involvement of other parties.

Military Rule and Militancy

After the 1971 military humiliation, Pakistan reverted to civilian rule that lasted five years. Under direct military rule (1958–71), military bias in favor of conflict with India had been apparent, as had the view that Pakistan could and should compete militarily with India.[36] These perceptions did not change under civilian rule. The US Ambassador

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to Islamabad informed Washington that Bhutto "was convinced that India had, at least up to the ceasefire offer, nurtured the definite intention of liquidating West Pakistan."[37] Having laid down arms in East Pakistan on December 16, 1971, Pakistan was seeking arms and closer military cooperation from the United States by February 17, 1972. Once the military's capability had been rebuilt, Pakistan had reverted to martial law in 1977.

To compete with India, Pakistan raised and currently maintains a huge standing army of more than a half-million troops at the expense of social and economic development. While a great majority of its 140 million people live in abject poverty, Pakistan has diverted scarce resources toward building and maintaining nuclear weapons, which it tested in 1998. It has also developed a missile program aimed at ensuring military advantage against India. This competition with India has made Pakistan's military stronger than other national institutions and independent of civilian control. The military has ruled directly for more than half the country's post-independence existence and exerts tremendous influence over all spheres of national policy. It opposes normalization of relations with India and needs conflict to justify its preeminence.

The Pakistani military refuses to cede power and authority to civilians, in part to ensure its large share of national expenditure. The army justifies this role by perceiving and projecting India as an eternal, existential threat.[38] Given the army's power and disposition to intervene in politics, civilian leaders cannot realistically pursue accommodation with India or reassign national resources to development. India's own obsessively anti-Pakistan (or, in the context of Indian domestic politics, anti-Muslim) interest groups appear to validate the arguments of the more aggressive elements in the Pakistani military establishment, fueling the unending conflict.

The Pakistani military saw the bifurcation of Pakistan as the result of collaboration between secular nationalists in Bangladesh and India. This led to the belief that Islamists were the most dependable political allies of the Pakistani state, especially in resisting Indian ascendancy in South Asia. After the military debacle of 1971, accelerated by the hostility of a population mobilized on ethnic grounds, Pakistan's military leaders started looking upon Islamic militants as an instrument of regional influence.[39] The policy of backing Islamic militants was encouraged and funded by the US during the anti-Soviet resistance in Afghanistan. While Pakistan served as the launch-pad for the anti-Soviet Mujahideen resistance from 1979 to 1988, Pakistan's military ruler, General Ziaul Haq was already contemplating transferring the skills of covert operations learnt in Afghanistan to a "liberation struggle" in Kashmir.

Years of misrule and meddling from New Delhi, and a rigged state election in 1987, provided Pakistan the opportunity to fish in troubled Kashmiri waters once again. Protests and agitation started in Indian-controlled Kashmir, initially without any outside instigation. Large segments of the Kashmiri population embraced the slogan of "Azadi" (liberation or freedom). India dealt with the situation with an iron hand and deflected criticism of its human rights violations by blaming Pakistan. But, as Victoria Schofield points out:

> The grievances amongst the Kashmiris, which had been allowed to fester, the steady erosion of the 'special status' promised to the state of Jammu and Kashmir in 1947, the neglect of the people by their leaders, were clearly India's responsibility. Tavleen Singh believes that Kashmir would

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> not have become an issue 'if the valley had not exploded on its own thanks to Delhi's misguided policies'. Over a period of time, 'the LOC would have been accepted as the border and we could have one day forgotten the dispute altogether'. Instead, as the decade of the 1980s drew to a close, the valley of Kashmir became 'the explosive situation' of which Shaikh Abdullah had so often warned.[40]

Pakistan started by supporting insurgents from within Jammu and Kashmir and over a decade inducted committed Islamists from its own territory and from other Islamic countries into the valley. In its initial phase, India's official response to the militancy, characterized by brutality, increased alienation of Kashmiris and damaged India's international prestige. Having prided itself on being the world's largest democracy, India was now confronted with charges of being a major human rights violator. An example of the typical critique by human rights organizations is this extract from the Amnesty International 1992 report:

> Widespread human rights violations in the state since January 1990 have been attributed to the Indian army, and the paramilitary Border security Force (BSF) and Central Reserve police force (CRPF)… Cordon-and-search operations are frequently conducted in areas of armed opposition activity… Torture is reported to be routinely used during these combing operations as well as in army camps, interrogation centers, police stations and prisons. Indiscriminate beatings are common and rape in particular appears to be routine… In Jammu and Kashmir, rape is practiced as part of a systematic attempt to humiliate and intimidate the local population during counter-insurgency operations.[41]

But Pakistan could draw little comfort from the criticism of India over human rights violations, as there was still no pressure on India to give in to Pakistan's demand for a plebiscite. The international community still did not see Kashmir as an issue of self-determination, as Pakistan desired, and after the first few years condemnation of Islamabad over its support to the militants outweighed international pressure on India to address the Kashmiris' concerns. The militancy tied down large numbers of Indian troops in counterinsurgency operations, which Pakistan's military planners saw as a success in itself. But other than that, there was no visible Pakistani strategy for a resolution to the Kashmir conflict.

Pakistan's Kashmir policy remained in the hands of the military even when civilian Prime Ministers held office between 1988 and 1999. Prime Minister Nawaz Sharif, a businessman, elected on an anti-Indian platform with the military's backing in 1990, realized that the confrontation with India was costing Pakistan economically. He initiated back-channel diplomacy to explore alternatives to the deadlocked positions of both sides. In 1991 he even told an Iranian journalist during a visit to Teheran that Pakistan was willing to consider the option of an independent Kashmir if India would rescind its position that Kashmir's status could not be negotiated. But he backed off from his statement within twenty-four hours of its being made.[42] Sharif and his political rival Benazir Bhutto competed for popular support and military backing by making forceful

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statements in public over Kashmir, though Bhutto expressed regret over her hawkish position during a visit to India in 2001.[43]

The greatest damage to normalizing relations between the two states was caused in 1999, soon after Indian Prime Minister Vajpayee made his trip to the historic city of Lahore in February. Pakistan and India had both tested their nuclear weapons the year before and international economic sanctions imposed on both countries were especially hurting Pakistan, which had the weaker economy. Having been elected as a hawk on Kashmir and having become the leader who had made Pakistan's nuclear weapons capability public, Nawaz Sharif felt confident that any deal he made with Vajpayee would not be described as a sellout by his critics. For his part, Vajpayee—a Hindu nationalist—agreed to visit the site in Lahore where the demand for Pakistan was first officially made in 1940, as a symbolic acknowledgment of India's recognition that Pakistan could not and should not be undone.

Vajpayee and Sharif agreed on a number of confidence-building measures and the visit generated euphoria about the possibility of a serious and long-term thaw in India-Pakistan relations. But by May, Indian and Pakistani troops were fighting on the heights of Kargil, along the northern reaches of the line of control. The Pakistani military had executed a "brilliant tactical maneuver" that gave it advantage over the Srinagar-Leh highway, a crucial artery in India's transportation network within Kashmir. To this day there is debate in Pakistan over whether Sharif and his civilian advisors had prior knowledge of the operation or not.[44] But the operation destroyed the confidence-building initiated during Vajpayee's Lahore visit. As its troops were forced by a combination of international diplomatic pressure and an Indian counteroffensive, Pakistan learnt the hard way that brilliant tactics do not always translate into strategic success. As a former Pakistan Air Force Chief and hero of the 1965 war, Air Marshal Nur Khan, pointed out later: "We should have known that India will not be bogged down in Kargil and could extend the war to other fronts. We should have also known that the international community would not support such covert operations."[45]

The Kargil misadventure also had significant fallout in domestic Pakistani politics. Sharif tried to remove General Pervez Musharraf, the architect of Kargil, from his position as army chief and was himself removed from office in a coup d'etat. Musharraf, with his tactical military mind, became Chief Executive and subsequently appointed himself President of Pakistan.

Having being burnt by the Kargil betrayal so soon after his initiation of a peace process in Lahore, Vajpayee was initially reluctant to talk to General Musharraf. But by July 2001 he was ready to give Musharraf a second chance. Musharraf's visit to the Indian city of Agra amid great fanfare only widened the gap between India's political approach and the ad hoc thinking of Pakistan's military leadership. Vajpayee saw Musharraf as trying to score points on the Kashmir issue and was forced to return without a joint declaration or agreement. India and Pakistan have had no high-level official contact since then.

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After September 11, 2001

The September 11, 2001, terrorist attacks fundamentally changed the context in which Pakistan's Kashmir policy had operated since 1989. The US-led international community has now vowed to actively reject violence against non-military targets for any political objective. Pakistan has argued for a decade that the militants in Kashmir are freedom fighters. But for the rest of the world such violence is "terrorism" and the US has projected zero-tolerance of terrorists. Hence, when Islamic militants attacked civilian targets in Indian-controlled territory in October and December 2001, India mobilized for major military retaliation, confident that the US precedent would be applied. While the US and other members of the international community now supported in principle India's right to retaliate against terrorism, they were also afraid that any military conflict between India and Pakistan could become a nuclear war. The United States worked assiduously with Indian and Pakistani leaders to pull the two states back from the brink. Islamic militancy has been a major spoiler in India-Pakistan relations in recent years. Under intense Indian and US pressure, following the terrorist attack on India's parliament in December 2001, Musharraf ostensibly initiated a series of moves aimed at limiting the influence of Islamic militants at home. But Musharraf and the military do not want to root out the Islamists completely because of the militants' utility in the unending conflict with India.

India and Pakistan have fought three wars in 54 years, two of them over Kashmir, and have clashed in other bloody battles short of full-blown war. Kashmir has been the center of violence—described by Pakistan as an insurrection against Indian rule and by India as a separatist movement backed by Pakistan—since 1989. Pakistan's support for the insurgency in Indian-controlled parts of Kashmir and the induction of Islamic militants, at least some of whom share beliefs similar to those of al-Qaeda and the Taliban, has highlighted the need for early resolution of the conflict between nuclear-armed India and Pakistan.

When India and Pakistan tested their nuclear weapons in 1998 some experts expressed the hope that there would be no further wars between them. Nuclear wars served as a deterrent to war between the United States and the Soviet Union, and it is a widely held view that the prospect of nuclear annihilation creates a "balance of terror" that in turn forces protagonists to talk to each other. India and Pakistan possess nuclear weapons but do not have in place any of the other elements of deterrence. They do not have clearly identified "red lines," which once crossed would result in a nuclear strike. There are no arms control talks, no detailed nuclear doctrines, and no hotlines to guard against triggering accidental nuclear clashes. Given the geographic proximity of the two states, their reaction time in case of a missile attack is barely a few minutes. And neither side can "nuke" the other without having to bear some of the fallout.

Deterrence has already failed between India and Pakistan since their nuclear tests, and the Kargil clash is an example of a non-nuclear conflict between the nuclear-armed neighbors. After the December 12, 2001, terrorist attack on the Indian parliament, one million troops from both sides massed along their two-thousand-mile border. The troop mobilization ended several months later only after US shuttle diplomacy and Pakistani

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commitments to interdict militants crossing over from its territory into Indian-controlled Kashmir. Relations between the world's other nuclear powers have never been characterized by such frequent confrontations.

Conclusion

Pakistan's military-dominated decisionmaking process has resulted in combinations of short-term military and diplomatic moves without a well thought-out endgame. As pointed out by retired Air Marshal Asghar Khan, Pakistan's military adventures have been launched in the "hope that world powers would come to our rescue, intervene, bring about a cease fire and somehow help us achieve our political objectives. … All our past wars with India have been fought for no purpose [and] we have suffered humiliation as a result."[46]

A feeling of insecurity against a much larger and hostile neighbor was the original source of Pakistani apprehensions about its nationhood. The emphasis on seeking to "complete" Pakistan by acquiring Kashmir is directly related to this sense of insecurity. But over the years, structures of conflict have evolved, with the Pakistani military as the major beneficiary of maintaining hostility. The possession of nuclear weapons has given the Pakistani military a sense of invulnerability and has increased its willingness to consider options of unconventional warfare. The environment of the global war against terrorism restrains Pakistan's ability to persist with its policy of supporting Islamic militancy in Indian-controlled Kashmir. But in the absence of a sustained peace process between India and Pakistan there will always be room for new tactics that prolong the conflict and attempt to alter the status quo.

Pakistan's domestic politics is a major factor in its relations with India. The Pakistani military does not trust the country's leaders representing the two major political parties—Benazir Bhutto of the Pakistan Peoples Party (PPP) and Nawaz Sharif the Pakistan Muslim League (PML). Since the 1999 coup d'etat that brought General Musharraf to power, the military has attempted to rewrite Pakistan's constitution and restructure its polity—the fourth such attempt in Pakistan's relatively short history as an independent nation. The exclusion of Bhutto and Sharif from the political process has benefited the Islamist political parties, which were the major beneficiaries of the controlled parliamentary election held in October 2002. The Islamists control the Northwest Frontier Province, represent the largest non-government group in parliament and share power in the province of Balochistan. Their political power enables the military to drag its feet in implementing promises about ending Islamic militancy in Indian-controlled territory. On the other hand, the ascendancy of the Islamist leaders makes it difficult for politicians and intellectuals to advocate a settlement with India. An Islamist leader recently declared publicly that "killing Hindus" was "the best approach to the 56-year old dispute between Pakistan and India over Kashmir."[47] The rise of *Hindutva* or Hindu nationalism in India is feeding the religious frenzy in Pakistan, while the political gains of the Pakistani Islamists have empowered India's religious hardliners. The clash of these rival religious sentiments is hardly conducive to rational discourse aimed at seeking solutions for the Kashmir issue.

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India has considerable advantage at present over Pakistan in almost all aspects of national power. It would be in India's interest to help Pakistan gain sufficient confidence as a nation to overcome the need for conflict or regional rivalry for nation-building. This process got under way with Prime Minister Vajpayee's bus trip to Lahore in 1998 but was derailed as a result of the Kargil conflict in May 1999. The diminution of military ascendancy in Pakistan's domestic politics is crucial for the normalization of relations between the two South Asian nations. At present, given US support for General Musharraf's regime, there is little likelihood that the military's role in Pakistani politics will diminish. But the international community, especially the US, could increase pressure for restoration of civilian rule in Pakistan, paving the way for a constitutionally mandated civilian government to resume the Lahore peace process. In Kashmir, India could start a process of political inclusion that would help identify credible Kashmiri partners in restoring peace. Pakistan would need to back away from its deep involvement with the Kashmiri political opposition to pave the way for an inclusive political process. Dialogue among Kashmiris from both sides of the LOC would also help reduce tensions.

As things stand, however, Kashmir seems an intractable problem with potential for further India-Pakistan conflict. India believes it can maintain the status quo with its superior military force while Pakistan continues to bleed India and demand talks without having worked out what it would seek in these talks short of demanding the cession of all of Kashmir.

NOTES

1. M.M.R.Khan, *The United Nations and Kashmir* (Groningen, Netherlands: J.B.Wolters, 1956), p. 62.
2. For a thorough discussion of nation-building in India and Pakistan and its relation to the Kashmir conflict, see Sumit Ganguly, *Conflict Unending: India-Pakistan Tensions since 1947* (New York: Columbia University Press, 2001).
3. This argument continually resurfaces, for example, in Suroosh Irfani, ed., *Fifty Years of the Kashmir Dispute* (Muzaffarabad: University of Azad Jammu and Kashmir, 1997).
4. See, for example, Indian Prime Minister Atal Bihari Vajpayee's Independence Day Remarks delivered on August 15, 2002. This address is available online at the Indian Government's Information Center, pmindia.nic.in/infocentre/curr_speeches.htm.
5. Abdul Sattar, "Fifty Years of the Kashmir Dispute: The Diplomatic Aspect," in Irfani, *Fifiy Years,* pp. 11–12.
6. See, for example, M.A.Jinnah, *Speeches as Governor General* (Karachi: Ferozsons, 1981).
7. Stephen P.Cohen, *The Pakistan Army* (Berkeley: University of California Press, 1984), pp. 6–8.
8. Homer A.Jack, ed., *The Gandhi Reader* (Bloomington: Indiana University Press, 1956), pp. 454–56.
9. See Pervez Musharraf's interviews with *The Hindu* (April 1, 2002) and CNN (June 1, 2000). Both are available online at the Government of Pakistan's information portal, www.infopak.gov.pk/President_Addresses/presidential_addresses_index.htm.
10. Khan, *United Nations and Kashmir,* p. 62. It is significant that the argument in Pakistan has changed little since 1955, when Khan's book was published.
11. For more on the British role in Kashmir, see Alastair Lamb, *Kashmir: A Disputed Legacy* (Hertingfordbury, England: Roxford Books, 1991); Victoria Schofield, *Kashmir in the Crossfire* (New York: I.B.Tauris, 1996).

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12. Rajmohan Gandhi, "Understanding Religious Conflicts," in Monique Menkenkamp, Paul van Tongeren, and Hans van de Veen, eds., *Searching for Peace in Central and South Asia* (Boulder: Lynne Rienner, 2002), p. 297.
13. All Pakistani authors on the subject emphasize the existence of support for the All Jammu and Kashmir Muslim Conference led by Yusuf Shah and Ghulam Abbas. Ganguly, in *Conflict Unending,* refers to Kashmiri leader Shaikh Abdullah recognizing his limited support in some areas.
14. This argument is advanced in Ian Stephens, *Horned Moon* (London: Chatto and Windus 1954); Chaudhri Muhammed Ali, *The Emergence of Pakistan* (New York: Columbia University Press, 1967). For more on Nehru's "one nation" ideal, see Josef Korbel, *Danger in Kashmir* (Princeton: Princeton University Press, 1966).
15. Khan, *The United Nations and Kashmir,* p. 52. See also Lamb, *Kashmir: A Disputed Legacy,* and Ali, *The Emergence of Pakistan*.
16. See Ali, *The Emergence of Pakistan;* Shahid Hamid, *Early Years of Pakistan* (Lahor, 1993).
17. See Hari Singh's letter to Mountbatten in Verinder Grover, ed., *The Story of Kashmir: Yesterday and Today* (vol. 3) (New Delhi: Deep and Deep Publishing, 1995), p. 108.
18. See, for instance, Khan, *The United Nations and Kashmir,* pp. 45–52; Prem Shanker Jha, *Kashmir, 1947: Rival Versions of History* (New York: Oxford University Press, 1996); Ali, *The Emergence of Pakistan*.
19. Ganguly, *Conflict Unending,* pp. 52–53; S.M.Burke, *Mainsprings of Indian and Pakistani Foreign Policies* (Minneapolis: University of Minnesota Press, 1974), pp. 191–93. For a full catalog of East Pakistan's grievances, see Appendix A of S.K.Chakrabarti, *The Evolution of Politics in Bangladesh, 1947–1978* (New Delhi: Associated Publishing House, 1978).
20. On Pakistan's early security concerns, see Peter R.Blood, ed., *Pakistan: A Country Study* (Washington, DC: Library of Congress, 1994), pp. 263–64.
21. Sattar, "Fifty Years," p. 11.
22. For a fuller description of this strategy, see Burke, *Mainsprings,* especially Chapter Five; S.M.Burke, *Pakistan's Foreign Policy: An Historical Analysis* (New York: Oxford University Press, 1973), pp. 136–37.
23. For a full discussion of the diplomatic maneuvering of this era, see Burke, *Pakistan's Foreign Policy,* pp. 31–46.
24. Burke, *Pakistan's Foreign Policy,* pp. 226–30; Khan, *The United Nations and Kashmir,* pp. 137–79.
25. Khan, *The United Nations and Kashmir,* pp. 72–73.
26. Khan, *The United Nations and Kashmir,* p. 61.
27. Sattar, "Fifty Years," p. 15.
28. Altaf Gauhar, "Four Wars, One Assumption," *The Nation,* September 5, 1999.
29. See, for example, Sattar, "Fifty Years," p. 20.
30. Ganguly, *Conflict Unending,* p. 70.
31. See, for example, Blood, *Pakistan,* p. 272.
32. See Blood, *Pakistan,* pp. 272–74; S.R.Sharma, *Bangladesh Crisis and Indian Foreign Policy* (New Delhi: Young Asia Publications, 1978), pp. 157–58.
33. See P.N.Dhar, *Indira Gandhi: The Emergency and Indian Democracy* (New York: Oxford University Press, 2000) for an account of the Simla talks by a member of the Indian delegation. See also "Did Bhutto Outwit Indira Gandhi?" *The Hindu,* February 6, 2000. In that article, Dhar refutes Pakistani denials of his account. According to Dhar, "Alastair Lamb, the well-known author of several books on the Kashmir question (in which he has vigorously supported Pakistan's point of view), says: 'Pakistani refutations of P.N.Dhar's claims (that Z.A.Bhutto did privately agree with the Indian Prime Minister that this was exactly the way in which the Kashmir problem would be settled, with the line of control being allowed to evolve gradually into an international border) have not to date been

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particularly impressive or convincing though circumstances have removed over the years any significance they may ever have possessed.'"

34. Simla Agreement (July 2, 1972).
35. As recently as December 2002, Indian Home Minister L.K.Advani denounced Simla as a failure, saying that the Indian government should have "extracted a commitment" at the time that "Jammu and Kashmir was an integral part of India." (See Press Trust of India, "Poll: Kashmir," December 6, 2002.) For a recent Pakistani critique of the agreement, see M.P.Bhandara, "Should We Renounce Shimla?" *Dawn,* January 5, 2003.
36. Julian Schofield, "Militarized Decision-Making for War in Pakistan: 1947–1971," *Armed Forces & Society* (Fall 2000), pp. 131–48.
37. Roedad Khan, ed., *The American Papers: Secret and Confidential India-Pakistan-Bangladesh Documents, 1965–73* (Karachi: Oxford University Press, 1999), p. 763.
38. For one of many recent examples, see Musharraf's address to the United Nations General Assembly (September 12, 2002). Available online at www.infopak.gov.pk/President_Addresses/presidential_addresses_index.htm.
39. For a thorough discussion of this phenomenon, see Gilles Kepel, *Jihad: The Trail of Political Islam,* trans. Anthony F.Roberts (Cambridge: Harvard University Press, 2002), especially Chapter 4.
40. Schofield, *Kashmir in the Crossfire,* p. 236. For an excellent narrative of the events leading up to the insurgency as well as its consequences, see Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of Peace* (New York: Cambridge University Press, 1997), Chapter 5.
41. Amnesty International, *India—Torture, Rape and Deaths in Custody* (New York, 1992).
42. This information is based on the author's personal experience in the Pakistani government.
43. C.Raja Mohan, "Other Issues Too Are Important: Benazir," *The Hindu,* November 27, 2001.
44. See, for example, Gauhar, "Four Wars."
45. A.K.Dhar, "Intrusion A Disaster—Nur Khan," *Indian Express,* July 21, 1999.
46. M.H.Askari, "Looking beyond Kargil," *Dawn,* August 4, 1999.
47. This statement was made by Hafiz Saeed, the founder and former head of Lashkar-e-Taiba. See "Killing Hindus Better Than Talks: Saeed," *The News* (Internet Edition), April 4, 2003.

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